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**THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

NO MORE FREEWAYS, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants,

and

STATE OF OREGON, DEPARTMENT OF
TRANSPORTATION,

Intervenor-Defendant.

Case No.: 3:21-CV-00498-YY

**DEFENDANTS' JOINT PROPOSED
SCHEDULE**

Defendants United States Department of Transportation, United States Federal Highway Administration, and Thomas D. Everett, and Intervenor-Defendant State of Oregon, Department of Transportation (collectively, "Defendants"), jointly propose the schedule and page limits for

this action set forth below.

Pursuant to the Court's June 16, 2021 Order, Defendants conferred with Plaintiffs by sending them on July 16, 2021 a proposed joint schedule. Plaintiffs sent a counter-proposed schedule on July 19, 2021. Defendants were not given an opportunity to respond before Plaintiffs emailed their counter proposal to the Court. Accordingly, Defendants submit this separate proposed schedule for the Court's consideration.

Defendants propose that they share the administrative record with Plaintiffs prior to filing it with the Court. It is Defendants' intention that, should there be any disputes as to the record's contents, the parties can resolve their dispute without the need for Court intervention. To that end, Defendants propose the following schedule for the sharing of the administrative record:

- Defendants provide Plaintiffs with the administrative record: December 6, 2021;
- Plaintiffs raise any concerns with the record to Defendants via letter or email: December 20, 2021;
- Deadline for parties to attempt to resolve disputes relating to the record: February 7, 2022; and
- Defendants file the administrative record with the Court: February 14, 2022.

Although it is Defendants' hope that motion practice relating to the record can be avoided, should it be necessary, Defendants propose the following schedule:

- Date by which Plaintiffs must file their motion: February 15, 2022;
- Defendants' opposition to Plaintiffs' motion: March 1, 2022; and
- Revised record (if any) to be filed with the Court by: Two weeks after Court enters its order resolving any disputes.

Defendants propose that this case be resolved via sequential cross-motions for summary

judgment pursuant to the following schedule:

- Plaintiffs' cross-motion for summary judgment: Sixty days after the final administrative record is filed with the Court;
- Defendants' cross-motions for summary judgment and opposition to Plaintiffs' cross-motion: Sixty days after Plaintiffs file their motion;
- Plaintiffs' opposition to Defendants' cross-motions and reply in support of their motion: Thirty days after Defendants file their motion; and
- Defendants' reply in support of their cross-motions: Thirty days after Plaintiffs file their opposition.

Finally, Defendants propose the following page limits for the summary judgment briefing in this matter:

- Plaintiffs' cross-motion: 35 pages
- Defendants' cross-motions and opposition: 50 pages for federal Defendants and 50 pages for Intervenor-Defendant
- Plaintiffs' reply and opposition: 50 pages
- Defendants' replies: 25 pages for federal Defendants and 25 pages for Intervenor-Defendant.

DATED this 19th day of July, 2021.

Respectfully submitted,

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/s/ Matthew P. Rand

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